IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2487 of 2005

Between:

Residential High School, Rep. by its Correspondent,
Smt. Mrudhu Bhashini W/o. Late Prema chary aged about 70 years, R/o. Kolakalur,
Tenali Mandal,
Guntur District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its Prl. Secretary, Department of Education, Secretariat Buildings, Hyderabad.
2 Commissioner & Director of School Education., Government of Andhra Pradesh, Saifabad, Hyderabad.
3 District Educational Officer, Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the R3, Guntur in not finalising and forwarding the proposals of change of correspondent of R.H.School, Kolakalur, Tenali Mandal as unconstitutional and consequently direct the respondents to approve change of correspondent without any delay.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondents: GP FOR EDUCATION

The Court at the admission stage made the following :

O R D E R:

This writ petition is filed aggrieved by the action of the third respondent, the District Educational Officer, Guntur, in not finalising and forwarding the proposals seeking change of correspondent of the petitioner-School.

It is stated that Smt. Mrudhu Bhashini has been elected as the Secretary and Correspondent of the petitioner-School on 19-05-2004 and thereafter she made a representation to the third respondent seeking approval of correspondentship in her favour. In pursuance thereof, the third respondent issued proceedings dated 03-07-2004 asking her to furnish the proposals in the prescribed pro forma together with the declaration of the outgoing Correspondent as well as the incoming Correspondent apart from certain other documents specified thereunder. The petitioner states that all the required material were furnished, however the proposals were returned by the third respondent on the ground that the outgoing Correspondent has not signed on the declaration. The petitioner addressed a letter on 16-07-2004 informing the third respondent that the outgoing correspondent was not cooperative. The grievance of the petitioner-School is that the third respondent instead of taking appropriate

action against the outgoing correspondent, has kept the issue pending and the permission as sought by the petitioner-School has not been granted so far. Hence, this writ petition.

The learned Counsel for the petitioner contends that in the light of other material furnished by the petitioner which shows that Smt. Mrudhu Bhashini has been lawfully elected as Secretary and Correspondent, the third respondent ought not to have insisted on the signature of the outgoing Correspondent for taking the further action. The learned Government Pleader for School Education, under instructions, stated that as per the letter dated 03-07-2004, it is necessary for the petitioner-School to submit a letter of undertaking to the effect that the new correspondent will pay the audit dues, if any, and will abide by the departmental rules and that in case the petitioner-School furnishes such undertaking, the request of the petitioner for approval of change of correspondentship can be considered.

The learned counsel for the petitioner states that as a matter of fact the petitioner has already furnished all the documents as required in the letter dated 03-07-2004 and that at any rate, it is willing to furnish a fresh letter of undertaking to the effect that the new correspondent will pay the audit dues, if any, and will abide by the departmental rules.

In the facts and circumstances, the writ petition is disposed of granting liberty to the petitioner-School to submit such letter of undertaking within a period of one week from to day, in which event, the third respondent shall consider the same and further take the necessary steps, in accordance with law, without insisting on the signature of the outgoing correspondent on the declaration as required in letter Rc.No.7285/B4/2004, dated 03-07-2004. No costs.

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(**G. ROHINI, J**)

Date: 16-02-2005

Note:

Issue CC by Monday.

B/o

ghn

To

1 The Principal Secretary, Government of Andhra Pradesh, Department of Education, Secretariat Buildings, Hyderabad.
2 Commissioner & Director of School Education., Government of Andhra Pradesh, Saifabad, Hyderabad.
3 District Educational Officer, Guntur, Guntur District.

4 Two CCs to the Government Pleader for School Education, High Court of A.P., Hyderabad. (O.U.T.)

5 Two CD copies.